

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MICHAEL WALKER,

Plaintiff

v.

RUSSELLA JO BELL and C. SMITH,

Defendants

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Civil No. 3:19-cv-1297

(Judge Mariani)

SPECIAL VERDICT QUESTIONS

Question 1

Do you find that Mr. Walker has proven by a preponderance of the evidence that Defendant Smith's and/or Defendant Bell's issuing a misconduct against him and/or influencing the decision to terminate him from his prison job is an adverse action meaning that it would be likely to deter an average person from engaging in protected speech such as filing grievances?

Yes _____ No X

If you answered "Yes" to Question 1, go to Question 2.

If you answered "No" to Question 1, your deliberations are concluded, Plaintiff cannot recover. The foreperson should sign and date this form on page 6 and notify the Deputy Clerk that you have reached a verdict.

Question 2

Do you find that Plaintiff Michael Walker has proven by a preponderance of the evidence that one or both of the following Defendants issued a misconduct against Mr. Walker and/or influenced the decision to terminate Mr. Walker's prison job in retaliation for Plaintiff filing the identified grievances?

Russella Jo Bell
Connie Smith

Yes _____ No _____
Yes _____ No _____

If you answered "Yes" as to one or both Defendants in Question 2, go to Question 3.

If you answered "Yes" as to only one Defendant in Question 2, answer Question 3 only as to that Defendant. For the Defendant for whom you answered "No" in Question 2, mark the "N/A" (not applicable) line in Question 3.

If you answered "No" as to both Defendants in Question 2, your deliberations are concluded, Plaintiff cannot recover. The foreperson should sign and date this form on page 6 and notify the Deputy Clerk that you have reached a verdict.

Question 3

Do you find that Defendant Russella Jo Bell and/or Defendant Connie Smith has proven by a preponderance of the evidence that she would have made the same decision to issue a misconduct against Mr. Walker and/or influence the decision to terminate his prison job if he had not filed the identified grievances?

Russella Jo Bell
Connie Smith

Yes _____ No _____ N/A _____
Yes _____ No _____ N/A _____

If you answered "No" as to one or both Defendants in Question 3, go to Question 4.

If you answered "Yes" as to both Defendants in Question 3, your deliberations are concluded, Plaintiff cannot recover. The foreperson should sign and date this form on page 6 and notify the Deputy Clerk that you have reached a verdict.

Question 4

If you answered "No" as to one or both Defendants in Question 3, then you must award nominal damages of \$1.00.

Nominal Damages:

\$ _____

Question 5

If you answered "Yes" as to Defendant Bell in Question 2 and "No" as to Defendant Bell in Question 3, do you find that Plaintiff Michael Walker has proven by a preponderance of the evidence that Defendant Bell acted maliciously or wantonly in violating Plaintiff's First Amendment rights?

Yes _____ No _____

If you answered "Yes" in Question 5, go to Question 6.

If you answered "No" in Question 5, go to Question 7.

Question 6

What amount of punitive damages, if any, is Plaintiff entitled to for Defendant Bell's actions against him?

\$ _____

Go to Question 7.

Question 7

If you answered "Yes" as to Defendant Smith in Question 2 and "No" as to Defendant Smith in Question 3, do you find that Plaintiff Michael Walker has proven by a preponderance of the evidence that Defendant Smith acted maliciously or wantonly in violating Plaintiff's First Amendment rights?

Yes _____ No _____

If you answered "Yes" to Question 7, go to Question 8.

If you answered "No" to Question 7, your deliberations are concluded. The foreperson should sign and date this form below and notify the Deputy Clerk that you have reached a verdict.

Question 8

What amount of punitive damages, if any, is Plaintiff entitled to for Defendant Smith's actions against him?

\$ _____

Your deliberations have concluded.

After completing your deliberations, return your answers to these questions on this Special Verdict Form signed and dated by the jury foreperson to the Courtroom Deputy.

THE FOREPERSON MUST SIGN AND DATE THIS SPECIAL VERDICT FORM

Date: 2-15-2023

Sandy Puzjuti
Foreperson